

# **EXHIBIT 2**

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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

TETSUYA NAKAMURA, an individual,  
  
Plaintiff,  
  
v.  
  
SUNDAY GROUP INCORPORATED, a  
Nevada corporation, *et al.*,  
  
Defendants.

Case No.: 2:22-cv-01324-MMD-EJY

**DECLARATION OF TIMOTHY R.  
PACK SUPPORTING DEFENDANTS'  
MOTION TO COMPEL PLAINTIFFS'  
APPEARANCE AT A DEPOSITION**

I, Timothy R. Pack declare as follows:

1. On September 12, 2023, Defendants made their first request to Plaintiff to take his in-person deposition in the United States. [September 12, 2023 Email Between Counsel.]
2. On October 23, 2023, Defendants made their second request to take Plaintiff's in-person deposition in the United States. [October 23, 2023 Email Between Counsel.]
3. On November 29, 2023, counsel for the parties met and conferred by phone regarding Plaintiff's deposition. During that call, Defendants offered to take Plaintiff's deposition in Las Vegas or any of Plaintiff's counsel's offices in California. Plaintiff's counsel

did not object to Plaintiff appearing in person for his deposition in either Nevada or California. The parties agreed to revisit the issue after additional discovery and document production had taken place.

4. On July 25, 2024, Defendants made their third request to take Plaintiff's in-person deposition in Nevada or California. [July 25, 2024 Email Between Counsel.]

5. On July 30, 2024, counsel for the parties held a second meet and confer phone call regarding Plaintiff's deposition. Plaintiff's counsel, Casey O'Neill, represented they have never objected to Plaintiff appearing in the United States for his deposition, but would nevertheless discuss the issue again with Plaintiff and then confirm whether he would in fact appear for his deposition.

6. About twenty days later on August 20, 2024, Plaintiff's counsel finally responded, but unfortunately did not confirm that Plaintiff would appear for his deposition.

7. Because Nakamura is Japanese, a professional interpreter will be required to interpret the examination questions and Nakamura's responses.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: August, 21 2024

**CLYDE SNOW & SESSIONS, P.C.**

By: /s/Timothy R. Pack  
Timothy R. Pack (UT Bar # 12193)